

PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

<div style="border: 1px solid black; width: 100%; height: 100%;"></div>		Date of mailing (day/month/year)	See Form PCT/ISA/210 (sheet 2)
Applicant's or agent's file reference 308517		FOR FURTHER ACTION See paragraph 2 below	
International application No. PCT/EP2005/052020	International filing date (day/month/year) 03.05.2005	Priority date (day/month/year) 26.08.2004	
International Patent Classification (IPC) or both national classification and IPC B25F5/00			
Applicant ROBERT BOSCH GMBH			

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims		YES
	Claims	1-4, 6-9, 11, 12	NO
Inventive step (IS)	Claims		YES
	Claims	5, 10	NO
Industrial applicability (IA)	Claims	1-12	YES
	Claims		NO

2. Citations and explanations:

1. Reference is made to the following documents:

D1: GB-A-2 171 045 (HILTI AKTIENGESELLSCHAFT) 20 August 1986
(1986-08-20)

D2: DE 101 38 123 A1 (ROBERT BOSCH GMBH) 27 February 2003
(2003-02-27)

2. The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claims 1-4, 6, 9, 11 and 12 is not novel within the meaning of PCT Article 33(2) and the subject matter of claims 5 and 10 does not involve an inventive step within the meaning of PCT Article 33(3).

3. Document D1 discloses (the references between parentheses refer to this document):

a handle device (figure 3) for a portable power tool, said handle device comprising a vibration-shielding element (14-19) and a guide device (11a) for directing a movement (x) of a handle element (12) mounted so as to be moveable relative to a body (11) of the portable power tool, characterized in that the movement (x) is at least essentially rectilinear (page 1, lines 83-101).

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The subject matter of independent claim 1 is therefore not novel (PCT Article 33(2)).

4. The subject matter of dependent claims 2-4, 6-9, 11 and 12 is not novel because the claimed features have been published. Document D2 also has all the features of independent claim 1 and is therefore also mentioned in connection with certain dependent claims. In order to obtain an efficient presentation of the report, only the references relevant to each claim are given:

- claim 2: D2, figure 1;
- claims 3, 12: D1, page 1, lines 5-11, figure 3;
- claim 4: D1, figure 3, item 16;
- claims 6, 7: D1, page 3, lines 25-30; figure 3, items 15, 17, 18;
- claims 8, 11: D1, figure 3, item 18;
- claim 9: D1, figure 3, item 19.

The subject matter of independent claims 2-4, 6-9, 11 and 12 is therefore not novel (PCT Article 33(2)).

5. As far as dependent claim 5 is concerned, it is however generally known to a person skilled in the art that the feature of a connection between two elements in the centre region is equivalent to the feature of a connection between two elements in the end region known from document D1 and can be exchanged for this feature if required. Consequently the subject matter of claim 5 also does not involve an inventive step within the meaning of PCT Article 33(3).

5.1 The further feature of dependent claim 10 has already been

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used for the same purpose in a similar handle device of a portable power tool, cf. in this respect document D2, figures 3-5, items 25, 26. Consequently the subject matter of claim 10 also does not involve an inventive step within the meaning of PCT Article 33(3).

6. That part of the application which could form the basis for a new, allowable claim cannot be seen at present.